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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,337	10/30/2001	Luke E. Girard	42390P11688	3326

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EXAMINER

UNGAR, DANIEL M

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,337	GIRARD, LUKE E.	
	Examiner	Art Unit	
	Daniel M. Ungar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED OFFICE ACTION

1. Claims 1-15 have been examined.

ELECTION

2. Claims 16-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Statement of traversal was not indicated, and so it is considered that election was made **without** traverse in the reply filed on 4 May 2005.

CLAIM REJECTIONS - 35 U.S.C. 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 13 recites the limitations, "the control applet" and "the appropriate information", for which there is insufficient antecedent basis.

CLAIM REJECTIONS - 35 U.S.C. 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 10, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al., U.S. Patent Number 6,684,326.
7. Regarding claim 1, Cromer et al. disclose a network comprising server and client computers, wherein the client computer accesses an authentication stack during a power on self-test that enables authentication of the remote server (see abstract; claim 4).

8. Regarding claim 2, Cromer et al. disclose control, interface, support, and hardware layers (see column 1, lines 58-63; column 3, lines 39-49; column 4, lines 33-54; figure 2).
9. Regarding claims 10, 13, and 14, Cromer et al. disclose an authentication support component and a storage plug-in component (see abstract; column 2, line 55 – column 3, line 14; column 4, line 16-32; figure 2).

CLAIM REJECTIONS - 35 U.S.C. 103(a)

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al., as established above, with Official Notice taken. Cromer et al. discloses a security related event with a storage device with an IDE attachment controller. They do not disclose ATA-3, but Official Notice is taken that ATA-3 is a well known and thereby obvious design choice among the ATA/IDE family (see Microsoft Computer Dictionary, page 39).

12. Claims 3, 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al., as established above, in view of Angelo et al., U.S. Patent Number 5,953,422.

13. Cromer et al. are ambiguous as to whether the authentication is for the terminal or for the user as well. Nevertheless, Angelo et al. in a similar field of endeavor disclose user authentication and an API for user authentication control (see claim 1) that enforces a security policy (abstract; column 8, lines 26-35; column 11, line 64 - column 12, line 23). Angelo et al.

disclose an API for user authentication on a high level and an authentication support component (see claim 1), and a storage API connected to a storage component (see column 6, lines 22-25; column 9, lines 27-50; figure 3; claim 1). Official notice is taken that authentication comprises multiple conceptual layers, including control, interface, support, and hardware. If authentication and storage is disclosed, the respective support components are present, and a method that enables user authentication by interfacing with the network inherently comprises an API. It would have been obvious to one of ordinary skill in the art at the time of the invention to have authenticated the user to ensure that the proper boot takes place, motivation disclosed by Cromer et al. (see column 1, lines 31-41) and Angelo et al. (see column 11, line 64 – column 12, line 23).

14. Claims 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al. in view of Angelo et al., as established above, further in view of Novoa et al., U.S. Patent Number 6,223,284.

15. Regarding claims 5 and 6, although Cromer et al. disclose the authentication upon power on, they do not disclose it to be a remote LAN wakeup event or resume from suspend event. However, remote LAN wakeup events and resume from suspend events are known in the art to be types of power on events equivalent to standard power on events. Exemplary of this is Novoa et al. who disclose, in a similar field of endeavor, security during wakeup events and resume from suspend. It would have been an obvious modification to the system of Cromer et al. to have allowed for the same authentication technique when resuming or waking up because of the common need for authentication whenever the computer comes to a powered state.

16. Regarding claims 11 and 12, Novoa et al. disclose drivers which interface into proprietary calls of a service provider for the support layer (see column 2, line 57 – column 3, line 9; column 12, line 45 – column 14, line 65). In light of the teachings of Novoa et al. it would have been obvious to one of ordinary skill in the art to have the support layer developed by a

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service provider (with translation from the interface layer) to enhance the abstraction in the system by allowing the authentication system to ignore the low-level details of the support layer.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer et al., in view of Angelo et al., as established above, further in view of Bisbee, U.S. Patent Application Number U.S. 2001/002485 A1.

18. Cromer et al. in view of Angelo et al. disclose an authentication support component comprising a smart card plug-in, remote boot plug-in, and fingerprint plug-in (see Angelo et al. abstract; column 2, line 66 – column 3, line 9; column 5, lines 38-49; column 6, lines 56-67; column 10, lines 42-54.

19. Although there is disclosed a serial bus token (see Angelo et al. column 6, lines 8-38), it is not disclosed to be a universal serial bus. However, the use of USB tokens was known in the art at the time of the invention, as exemplified by Bisbee (see paragraph 0062), and would be an obvious equivalent.

20. In light of the teachings of Angelo et al. and Bisbee it would have been obvious to one of ordinary skill in the art at the time of the invention to have included authentication support plug-ins to add an extra layer of security, as disclosed by Angelo.

CONCLUSION

21. The following art made of record and not relied upon is considered pertinent to Applicants' disclosure:

Angelo et al., U.S. Patent Number 5,974,250.

Rakavy et al., U.S. Patent Number 5,978,912.

Frailong et al., U.S. Patent Number 6,012,100.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Ungar whose telephone number is 571.272.7960. The examiner can normally be reached on 8:30 - 6:00 Monday - Thursday, Alt. Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571.272.3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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